

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TERRI ELAINE RAYMOND,

Plaintiff,

v.

**CIVIL NO. 1:22-CV-53
(KLEEH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant,

and

SOCIAL SECURITY ADMINISTRATION,

Interested Party.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 18], GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [ECF NO. 15], AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [ECF NO. 14]**

On June 29, 2022, the Plaintiff, Terri Elaine Raymond ("Plaintiff"), filed a Complaint against the Commissioner of Social Security ("Defendant"). Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the action to United States Magistrate Judge James P. Mazzone (the "Magistrate Judge") for review. The parties filed cross motions for summary judgment. On May 22, 2023, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court grant Defendant's motion for summary judgment and deny Plaintiff's motion for summary judgment.

The R&R informed the parties that they had fourteen (14) days

RAYMOND V. COMMISSIONER OF SOCIAL SECURITY

1:22-CV-53

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 18], GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [ECF NO. 15], AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [ECF NO. 14]

from the date of service of the R&R to file "written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to timely file objections . . . will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation." Both parties received the R&R, but no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 18]. Defendant's

RAYMOND V. COMMISSIONER OF SOCIAL SECURITY

1:22-CV-53

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motion for summary judgment is **GRANTED** [ECF No. 15]. Plaintiff's motion for summary judgment is **DENIED** [ECF No. 14]. The Court **AFFIRMS** the ALJ's final decision. The Clerk **SHALL** enter a separate judgment order in favor of Defendant and **STRIKE** this case from the Court's active docket.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: June 6, 2023

Tom S. Klee

THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA